

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

Electronically Filed

AMERICAN COMMERCIAL BARGE
LINE LLC

PLAINTIFF,

v.

IWC OIL & REFINERY, LLC, ET AL.

DEFENDANTS.

Case No. 4:22-cv-00136-TWP-KMB

MOTION FOR ENTRY OF DEFAULT

To the Clerk of the United States District Court for the Southern District of Indiana:

Plaintiff American Commercial Barge Line LLC (“ACBL”), by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 55(a), hereby requests that the Clerk of this Court enter default against Defendants IWC Oil & Refinery, LLC, Marco Aparicio, and Claudia Aparicio (collectively, “Defendants”) for failure to plead or otherwise defend as provided by the Federal Rules of Civil Procedure. In support of this Request, ACBL submits, and incorporates herein, the attached Affidavit¹ demonstrating Defendants’ failure to appropriately plead or otherwise defend after being properly served with process. *Nat’l Collegiate Athletic Ass’n v. Kizzang LLC*, 304 F. Supp. 3d 800, 804–05 (S.D. Ind. 2018); *Huntington Nat’l Bank v. Gatlin Rago CPA Grp. LLC*, Case No. 2:20-CV-366-TLS-JPK, 2021 WL 9598629, at *1 (N.D. Ind. Jan. 26, 2021). ACBL therefore respectfully requests that the Clerk of this Court enter default against Defendants. A proposed order for entry of default is attached hereto.

¹ A copy of the Affidavit for Entry of Default is attached hereto as Exhibit A.

Respectfully submitted,

/s/ Jordan M. White

Jordan M. White (Attorney No. 33932-10)
Matthew L. Bunnell (Attorney No. 37258-49)
WYATT, TARRANT & COMBS, LLP
400 West Market Street, Suite 2000
Louisville, Kentucky 40202-2898
Tel.: (502) 589-5235
Fax: (502) 589-0309
Email: jwhite@wyattfirm.com
Email: mbunnell@wyattfirm.com

*Counsel for Plaintiff American Commercial
Barge Line LLC*

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2023, a true and correct copy of the foregoing *Plaintiff's Request for Entry of Default* was filed with the Clerk of Court using the CM/ECF system and served upon the following by U.S. mail, postage prepaid:

IWC Oil & Refinery, LLC
c/o Registered Agent
Mario Aparicio
318 E. Nakoma
San Antonio, TX 78216

Marco Aparicio
8610 N. New Braunfels, Suite 301
San Antonio, TX 78217

IWC Oil & Refinery, LLC
8610 N. New Braunfels, Suite 301
San Antonio, TX 78217

Claudia Aparicio
8610 N. New Braunfels, Suite 301
San Antonio, TX 78217

/s/ Jordan M. White

Jordan M. White

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